

### REMARKS

This responds to the Office Action mailed on June 6, 2007.

Claims 1-24 have been canceled and new claims 31-50 have been added. As a result, claims 31-50 are now pending in this application.

#### 35 USC § 103 Rejection of the Claims

Claims 1-3, 6, 9 and 14-18 were rejected under 35 USC § 103(a) as being unpatentable over *Wright et al.* (U.S. Patent 6,173,159) in view of *Khullar* (U.S. Publication 2002/0154611 A1).

In order to expedite prosecution, Claims 1-3, 6, 9, and 14-18 have been canceled herein without prejudice or disclaimer.

Claims 4, 10 and 19 were rejected under 35 USC § 103(a) as being unpatentable over *Wright et al.* (U.S. Patent 6,173,159) in view of *Khullar* (U.S. Publication 2002/0154611 A1), and further in view of *Shvodian* (U.S. Publication 2003/0003905 A1).

In order to expedite prosecution, Claims 4, 10, and 19 have been canceled herein without prejudice or disclaimer.

Claims 5, 13 and 20 were rejected under 35 USC § 103(a) as being unpatentable over *Wright et al.* (U.S. Patent 6,173,159) in view of *Khullar* (U.S. Publication 2002/0154611 A1), and further in view of *Walton et al.* (U.S. Publication 2003/0013451 A1).

In order to expedite prosecution, Claims 5, 13, and 20 have been canceled herein without prejudice or disclaimer.

Claim 7 was rejected under 35 USC § 103(a) as being unpatentable over *Wright et al.* (U.S. Patent 6,173,159) in view of *Khullar* (U.S. Publication 2002/0154611 A1), and further in view of *Klein et al.* (U.S. Publication 2003/0100328 A1).

In order to expedite prosecution, Claim 7 has been canceled herein without prejudice or disclaimer.

Claims 21 and 24 were rejected under 35 USC § 103(a) as being unpatentable over *Wright et al.* (U.S. Patent 6,173,159) in view of *Khullar* (U.S. Publication 2002/0154611 A1), and further in view of *Durham et al.* (U.S. Publication 2005/0030244 A1).

In order to expedite prosecution, Claims 21 and 24 have been canceled herein without prejudice or disclaimer.

Claims 22 and 23 were rejected under 35 USC § 103(a) as being unpatentable over *Wright et al.* (U.S. Patent 6,173,159), *Khullar* (U.S. Publication 2002/0154611 A1), and *Durham et al.* (U.S. Publication 2005/0030244 A1), and further in view of *Shvodian* (U.S. Publication 2003/0003905 A1).

In order to expedite prosecution, Claims 22 and 23 have been canceled herein without prejudice or disclaimer.

#### New Claims

New claims 31-50 have been added herein. Support for the new claims can be found throughout the specification and drawings as filed, most notably Figs. 2-5 and the accompanying description. No new matter has been added.

New claim 31 is directed to a method comprising: (a) receiving a signal from a remote wireless entity; (b) first determining a data rate and a receive power of said received signal; (c) second determining a receiver sensitivity at said data rate; (d) calculating a link margin using said receiver sensitivity and said receive power; (e) when said calculated link margin is within a first range, selecting a first transmit data rate for use in transmitting data to said remote wireless entity; (f) when said calculated link margin is within a second range, selecting a second transmit data rate for use in transmitting data to said remote wireless entity, said second transmit data rate being different from said first transmit data rate; and (g) when said calculated link margin is greater than a threshold value: (i) selecting a third transmit data rate for use in transmitting data to said remote wireless entity, said third transmit data rate being different from said first and second transmit data rates; (ii) reducing a transmit power level for use in transmitting data to said remote wireless entity by a first amount to form a reduced transmit power level; (iii) transmitting a signal to said remote wireless entity at said reduced transmit power level and said third transmit data rate; (iv) third determining whether an acknowledgement signal has been received from said remote wireless entity in response to said transmitted signal; and (v) when an acknowledgement signal has been received in response to said transmitted signal, repeating reducing, transmitting, and third determining until an acknowledgement signal is not received in response to a

transmitted signal; wherein said threshold value is greater than an upper limit of said first range and an upper limit of said second range.

None of the references cited by the Examiner disclose or suggest, either alone or in combination, “when said calculated link margin is within a first range, selecting a first transmit data rate for use in transmitting data to said remote wireless entity” and “when said calculated link margin is within a second range, selecting a second transmit data rate for use in transmitting data to said remote wireless entity, said second transmit data rate being different from said first transmit data rate.” In addition, none of the references cited by the Examiner disclose or suggest, either alone or in combination, “when said calculated link margin is greater than a threshold value: (i) selecting a third transmit data rate for use in transmitting data to said remote wireless entity, said third transmit data rate being different from said first and second transmit data rates; (ii) reducing a transmit power level for use in transmitting data to said remote wireless entity by a first amount to form a reduced transmit power level; (iii) transmitting a signal to said remote wireless entity at said reduced transmit power level and said third transmit data rate; (iv) third determining whether an acknowledgement signal has been received from said remote wireless entity in response to said transmitted signal; and (v) when an acknowledgement signal has been received in response to said transmitted signal, repeating reducing, transmitting, and third determining until an acknowledgement signal is not received in response to a transmitted signal; wherein said threshold value is greater than an upper limit of said first range and an upper limit of said second range.” A similar argument applies to new independent claims 38, 43, and 48.

Claims 32-37, claims 39-42, claims 44-47, and claims 49-50 are dependent claims that depend either directly or indirectly from independent claims 31, 38, 43, and 48, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

Respectfully submitted,

CHIH C. TSIEN ET AL.

By their Representatives,

**Customer Number: 45643**

480-948-3745

Date: September 6, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of September, 2007.

Shellie Bailey  
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